



PET. Dec.

UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

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In re application of
David K. Lewis

DECISION ON
PETITION

Serial No. 10/609,135

Filed: June 27, 2003

For: Systems And Methods For Surface Pasteurization Of Produce

This is a response to the PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT, filed January 26, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment of October 19, 2004 for failure to timely respond to the Notice To File Missing Parts of Non-Provisional Application, mailed September 23, 2003, be withdrawn. The petitioner asserts that the Notice To File Missing Parts of Non-Provisional Application, mailed September 23, 2003, was not received by the applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(I).

The evidence presented is sufficient to establish that the Notice To File Missing Parts of Non-Provisional Application was not received by the petitioner. The evidence provided includes a statement by the petitioner that the Notice To File Missing Parts of Non-Provisional Application was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Notice To File Missing Parts of Non-Provisional Application, mailed September 23, 2003 was not received. Also provided is a copy of the automated docketing record, where the Notice To File Missing Parts of Non-Provisional Application would have been posted had it been timely received.



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Therefore, the Notice of Abandonment is hereby withdrawn, and the application shall be forwarded for consideration of the applicant's response, filed January 26, 2005, to the Notice To File Missing Parts of Non-Provisional Application, mailed September 23, 2003.

The Petition is **GRANTED**.

JM Stone

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